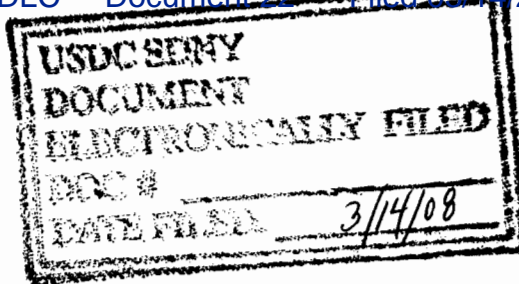


Thacher Proffitt



Thacher Proffitt & Wood LLP
Two World Financial Center
New York, NY 10281
212.912.7400

Fax: 212.912.7751
www.tpw.com

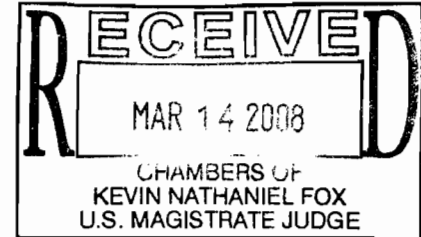
Direct Dial: 212.912.7417
jdoherty@tpw.com
Admitted in NY

MEMO ENDORSED

March 14, 2008

-VIA FACSIMILE-

Kevin Nathaniel Fox
U.S. Magistrate Judge
United States District Court
Southern District of New York
40 Centre Street, Room 540
New York, NY 10007



Mediation: *DB Structured Products, Inc. v. Bayrock Mortgage Corporation*
Case Number: 07 CV 4126 (DLC) (KNF)
Mediation Date: March 17, 2008 at 11:00 a.m.

Dear Magistrate Judge Fox,

We represent Plaintiff DB Structured Products, Inc. ("DBSP") in the above-referenced matter. With the consent of counsel for Defendant Bayrock Mortgage Corporation, we write to request an adjournment of the above-referenced settlement conference. The parties have reached a settlement agreement in principle and are currently in the process of finalizing the terms of this agreement. Therefore, because the parties expect to enter into a settlement agreement soon, we ask that the settlement conference be adjourned. We have spoken with Your Honor's clerk, who has informed us that April 22nd is available as a potential alternative date for mediation; we ask that Your Honor reschedule the settlement conference – which we do not anticipate will be necessary – for April 22, 2008.

In addition, the two individuals at DBSP with settlement authority will be out of town on and during the week of March 17 and Defendant's principal is in excess of 100 miles from the Courthouse. As such, if the settlement conference cannot be adjourned, we ask that Your Honor permit both parties to appear at the conference by telephone.

Please contact me if you have any questions.

3/14/08

Application denied. Please see the order dated February 29, 2008. The parties were directed to submit a copy of their settlement agreement to the Court, on or before March 12, 2008. The document has not been received. Please send it via facsimile (212) 805-6712 before the close of business today, March 14, 2008. Principals may participate in the settlement conference via telephone.

Respectfully submitted,

John P. Doherty (CNC)
John P. Doherty, Esq.

New York, NY

Washington, DC

White Plains, NY

Summit, NJ

México City, México

cc (via facsimile):

Ezio Scaldaferri, Esq.
David Hack, Esq.
Ezio, Kaszovitz, Isaccson, Weber
Scala, Bass & Rhine LLP
Attorneys for Defendant
BayRock Mortgage Corporation
750 Lexington Avenue
New York, New York 10022